



FIREARMS

Directive: 8 - 100

Date of Issue: July 2013 Amends/Cancels: G.O. 12-04

I. PURPOSE

The purpose of this Directive is to implement and announce a contemporary firearms policy.

II. POLICY

It is the policy of the Department of General Services Maryland Capitol Police (DGS-MCP) to identify firearms authorized for use by sworn Officers. In addition DGS-MCP will set standards for training consistent with requirements set forth by the Maryland Police and Correctional Training Commission.

DGS-MCP will also establish policies and procedures for the care, handling, and storage of firearms.

III. PROCEDURES

- A. Police Officers will comply with all Department of General Services Maryland Capitol Police DGS-MCP rules, regulations and directives, as well as all Federal, State and Local laws pertaining to firearms.
- B. Police Officers will only carry the DGS-MCP issued handgun while on-duty. Police Officers may carry the DGS-MCP issued handgun or other approved handguns while off-duty in Maryland. Approval of off-duty handguns will be limited to two firearms per Officer.
- C. Whenever an Officer is wearing, carrying or transporting a handgun, the Officer will have their DGS-MCP issued police identification, badge and MPCTC card with them at all times.
- D. Officers engaged in secondary employment requiring a firearm will have to furnish their own. *(Under no circumstances will DGS-MCP issued firearms be carried while engaged in secondary employment)*. Officers engaged in secondary employment will have their DGS-MCP police identification badge and MPCTC card with them while performing that function.
- E. Only weapons and ammunition approved by the DGS-MCP are authorized for use by Police Officers, regardless of duty status. Only new ammunition that is of high quality and factory manufactured will be approved for use. No re-loaded or re-manufactured ammunition will be approved.
- F. Police Officers are responsible for ensuring that issued firearms and approved off-duty or secondary handguns are not stolen, misplaced or misused.

- G. Firearms will be kept clean and properly maintained at all times.
- H. Departmentally issued firearms will not be transported outside the State of Maryland unless on official business and with the approval of the Chief of Police or his designee. An exception to this policy is granted to Police Officers that live out of the State and commute to Maryland for work.
- NOTE:** DGS-MCP Officers who live outside of Maryland may not carry their issued duty weapon off-duty while outside of Maryland borders.
- I. Police Officers being interrogated during the course of an internal investigation will secure their service weapons or any off-duty weapon prior to being interrogated.
- J. Any Police Officer appearing as a defendant in a criminal trial, or juror in any court, will not wear the uniform, or any part of the uniform, or carry any firearm into the courtroom or jury room. Any Police Officer appearing in court as a plaintiff or defendant in a civil trial will not wear the uniform, or any part of the uniform, or carry any firearm into the courtroom. The exception is granted to a Police Officer who is a defendant in a civil trial when the court action is a result of the Officer's official duties. While attending any court where carrying or displaying of firearms is restricted, Police Officers will comply with those restrictions.
- K. Support Services under the authority of the Chief of Police or his designee will designate Officers to serve as senior firearms instructor, weapons custodian and department armorer.
- L. Detailed documentation will be generated by the senior firearms instructor or his designee, with copies forwarded to and maintained by the Training Division of Support Services when any one of the following occurs:
1. A firearm is issued to a Police Officer;
 2. A Police Officer fails to qualify with a required firearm at annual or semi-annual firearms training after four unsuccessful attempts and remedial training;
 3. A Police Officer fails to qualify with an off-duty handgun;
 4. Police Officers fire their weapons at annual or semi-annual range exercises;
 5. Weapons training is conducted, or policies, directives or memorandums are issued to Officers;
 6. A Police Officer discharges a firearm while on duty, or while off duty and not engaged in training, target practice at an approved firing range, participation in an organized shooting event, such as skeet shooting, hunting or some other lawful activity.
- M. The senior firearms instructor will be responsible for the training and qualification process. Duties of the senior firearms instructor include, but are not limited to, the following:

1. Documentation and maintenance of training records, including qualification scores, of sworn personnel;
 2. Overseeing modifications/revisions of departmental firearms and use of force policies necessitated by changes in the law and/or changes in MPTC policies and regulations;
 3. Submission of all documentation concerning course of fire, standards etc. to the DGS-MCP training division for submission to the MPTC for approval before the firearm certification process begins.
- N. The weapons custodian will be responsible for the maintenance, issuance and inventory of all firearms. The duties of the weapons custodian include, but are not limited to the following:
1. Inventory records of all firearms that have been received from the Support Services Unit and are issued to DGS-MCP personnel or are stored in the Headquarters safe;
 2. Review of monthly inspection reports submitted by supervisors pertaining to firearms: and
 3. Quarterly inventory of all firearms and notification to the Chief of Police in the event of any discrepancies.

NOTE: A complete inventory of departmental weapons is maintained by the Headquarters Division of DGS-MCP, special operations division.

IV. TRAINING AND QUALIFICATION – HANDGUNS

- A. Maryland Police Training Commission regulations require that “law enforcement Officers shall qualify with the weapon they carry, both on and off duty.” The issuance of a Maryland Handgun Permit to a Police Officer does not eliminate or modify this regulation.
- B. Police Officer will bring the following equipment with them to the range.
1. DGS-MCP Identification Card
 2. DGS-MCP Issued Badge
 3. MPTC Certification Card
 4. Issued Service Weapon *
 5. Body Armor
 6. Duty Belt
 7. Ammunition issued when last qualified

8. Off Duty Weapon (if applicable) *

* All weapons will be unloaded prior to the start of training *

C. Police Officers will receive two hours of classroom instruction as part of the annual firearms qualification process. The classroom instruction can be included in the annual in-service instruction. The classroom instruction will cover the following areas:

1. Purpose of firearms instruction;
2. Care, cleaning, safe handling and storage of the service weapon;
3. Legal aspects in the use of firearms;
4. Fundamentals of shooting, such as sight alignment, grip and trigger squeeze
5. Department use of force policy.

D. Police Officers will successfully complete the qualification process with all required firearms at least annually. The minimum required score for both the issued duty weapon and off duty weapon is 70 percent in both day qualification and reduced light qualification as required by COMAR. Both the issued duty weapon and any off duty weapon require both day and reduced light passing scores.

NOTE: Failure of any portion of the mandated training, even if the Officer later passes the training, will be justification for the Officer to attend remedial training. Additionally, if an Officer consistently shoots passing but marginal scores with a handgun or a long gun, the department may, in the interest of Officer safety, have the Officer attend remedial firearms training.

E. Annual requirements – Minimum to stay certified as a Law Enforcement Officer

1. Classroom Instruction;
2. Live Fire Training (for primary weapon);
3. Judgmental/Decision training;
4. Primary weapon Day qualification;
5. Primary weapon Low Light qualification.

F. A range instructor will examine all issued firearms and personally owned off duty handguns for operational safety before the Officer is allowed to fire the weapon at the range. The range instructor will record the make, model, caliber and serial number of the off-duty weapons.

G. All DGS-MCP Officers will qualify under the prescribed course of fire established by the MPTC through COMAR regulation.

- H. If a Police Officer fails to achieve a qualification score of 70% after two unsuccessful attempts, the Officer will receive remedial instruction from a range instructor.
- I. In the event a Police Officer cannot pass qualification because he or she cannot fire the duty weapon from each of the mandated positions, the Officer will be dismissed from the range and the range master will immediately notify the Chief of Police, in writing, that the Officer was unable to qualify with the duty weapon and the reasons for the failure.
- J. After a failed attempt at qualification, under COMAR, the Officer has 30 consecutive days from the initial attempt in the same calendar year as the initial attempt to qualify. Should the Officer fail to qualify within the 30 day period, the range master - acting as designee of the Chief of Police - will notify the Officer of the suspension of his or her police powers. The Officer will relinquish their duty weapon, badge, DGS-MCP police identification card and MPTC certification card. The range master will immediately notify the Chief of Police in writing of the Officer's failure to qualify with the duty weapon. The suspension of police powers is not the same as suspension from duty. The Officer whose police powers are suspended will still report to their appropriate Detachment and shift for duty. A Police Officer whose police powers have been suspended for firearms qualifications failure is not entitled to a suspension hearing or other provisions of the Law Enforcement Officer's Bill of Rights. The Chief of Police will report to MPTC the Police Officer's failure to qualify.
- K. The Officer who failed to qualify within the 30 day period after the initial failure has until January 1 of the next calendar year to qualify. The Officer's police powers will remain suspended until the Officer meets the qualification requirements. The Officer's duty weapon will remain in the custody of the department and will be transported to and from the range by the range master until such time as the Officer passes qualification.

V. TRAINING QUALIFICATION – SHOTGUN

- A. The course of fire for shotguns will be submitted to the MPTC for approval before the shotgun qualification process begins. The MPTC regulations for qualification and re-qualification with the shotgun are detailed in COMAR.
- B. Police Officers must qualify with a department shotgun at least annually. Any Officer that does not qualify with the shotgun annually will not be permitted to carry the shotgun.
- C. The shotgun course of qualification for DGS-MCP personnel will be in compliance with the above referenced MPTC COMAR regulations.

VI. SAFETY AND SECURITY

- A. The safe handling and protection of the service weapon is the prime responsibility of every Police Officer, whether on-duty or off-duty. The Department of General Services Maryland Capitol Police, the oath of office and the applicable criminal and civil law charges Police Officers with this responsibility.

1. The law has clearly defined the Officer's personnel responsibility and legal accountability for creating such conditions that may result in injury or death from the careless or negligent use, handling or storage of handguns. Maryland criminal law states that a person may not "store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.
 2. The department rules and regulations specify the Police Officer is obligated to exercise safety precautions in the use, handling and storage of the service weapon.
 3. The oath of office and ethical and professional standards require that Police Officers protect the innocent.
 4. Any injury or death resulting from the accidental, careless or negligent use of a service weapon therefore violates the law, departmental rules and regulations and the oath of office.
- B. Only Police Officers and those civilians authorized by the Chief of Police or his designee may use, clean or otherwise handle department firearms.
- C. In the event any Police Officer sustains any injury, suffers from any illness or other disabling condition that may affect, to any degree, the Officer's ability to carry, wear, retain and/or maintain control of any issued weaponry, including the firearm or to discharge accurately and properly the firearm, the Officer will immediately notify his or her immediate supervisor. The supervisor will then contact the DGS-MCP range master or other certified firearms instructor. The supervisor or firearms instructor will have the authority to relieve the Officer of the firearm if Officer safety concerns justify such action.
- D. An Officer who is returning to duty from an injury or illness that could affect the Officer's ability to carry, wear, retain and/or maintain control of any issued firearm or to discharge accurately and properly the firearm will be taken to the range and evaluated by a firearms instructor before being returned to full duty status even if said Officer has a medical release.
- E. Police Officers should relinquish their issued duty weapon for inspection only to a superior Officer or firearms instructor. The Officer will ensure the weapon is completely unloaded prior to relinquishing the firearm. The slide of a semi-automatic handgun will be in the locked back position with the magazine removed. The cylinder on a revolver will be open prior to handing the weapon to another person. The action should be open on a shotgun prior to handing the weapon to another person.
- F. All firearms should be unloaded in a safe manner and made safe before storage in the Officer's home or in a DGS-MCP facility. Ammunition should be stored separately from the weapon.
- G. Whenever possible, Police Officers will properly secure firearms in a locked storage container whenever they are not worn.
- H. When stored in a motor vehicle, firearms must be secured in a locked trunk or in a locked storage compartment if the vehicle does not have a trunk.

- I. Firearms will be kept out of reach of the public at all times and will never be left unattended or unsecured. When the Officer is at home, all firearms must be secured in a manner that prevents an unsupervised minor from gaining access to them.
- J. All Police Officers have been issued a gunlock and are encouraged to use them. Police Officers will use prudence and good judgment in the off-duty wearing of firearms at any activity where the Officer will be consuming alcoholic beverages. Officers are reminded that the Public Safety article of the Annotated Code of the State of Maryland states anyone that “holds a permit may not wear, carry or transport a handgun while the person is under the influence of alcohol or drugs.” Anyone violating this law is guilty of a misdemeanor.
- K. The Law Enforcement Officer’s Safety Act of 2004 provides that qualified active and retired law enforcement Officers are exempted from state laws prohibiting the wearing of concealed firearms. However, active and/or retired Police Officers are not qualified for the exemption provided for in this statute if they are under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- L. Police Officer must never:
 - 1. Point or aim a weapon in dry firing practice in a location where an accidental discharge could cause some damage or harm;
 - 2. Engage in conversation with another person while handling a weapon – distraction compromises safety;
 - 3. Unnecessarily handle the weapon in the presence of another person or display the weapon for the purpose of intimidation;
 - 4. Load a weapon with the Officer facing a direction where they are pointing the weapon at other people;
 - 5. Hand a loaded weapon to another person, unless it is necessary in a life threatening situation or as required by departmental directive;
 - 6. Place a revolver in the holster, or in storage with the hammer cocked;
 - 7. Assume a weapon is loaded or unloaded – always check the weapon yourself;
 - 8. Accept from another, or offer to another, a revolver with the cylinder closed or a semi-automatic pistol with the slide closed; or
 - 9. Place a finger inside the trigger guard unless the intent is to fire.

VII. REPAIRS AND MAINTENANCE

- A. Police Officers will regularly inspect and maintain their firearms, extra magazines, ammunition and leather gear to prevent accumulation of dirt, the formation of rust or corrosion and excessive wear.

- B. Firearms will be cleaned at least once a month, immediately after having been subjected to inclement weather or other contaminants and after being fired.
- C. Prior to cleaning, all weapons will be checked to assure they are unloaded and safe.
- D. Police Officers will not make any repairs or modifications to departmental firearms. Only a department armorer or other individual authorized by the Chief of Police or his designee will repair or modify departmental firearms. Whenever possible the Officer to whom the firearm is issued will transport the weapon to the armorer or other authorized person.
- E. If a firearm is found to be defective, the weapon will be removed from service until it is repaired and certified by an armorer. The armorer will generate and maintain documentation of all firearms that are received for repair, all repairs made and re-issued for use. In the event a defective weapon is temporarily replaced, the quartermaster division of headquarters division will be notified and provided a copy of the appropriate documentation.

VIII. PRIMARY HANDGUNS

The primary handguns issued by the department are the Glock, model 22, .40 caliber, semi-automatic handgun and the Glock, model 23, .40 caliber, semi-automatic handgun.

IX. OFF DUTY (SECONDARY) HANDGUNS

- A. Police Officers that qualify with an approved handgun may carry the weapon as an off duty weapon.
- B. At their discretion, Officers may carry the following weapons off duty:
 - 1. Revolvers:
Smith & Wesson, Ruger, Colt, Taurus, Charter Arms & Dan Wesson, with a barrel length of at least two inches and not to exceed four inches, manufactured to chamber the .38, .357 or .44 special round.
 - 2. Semi-Automatic:
Smith & Wesson, Colt, Walther, H&K, Kahr, Browning, Glock, Beretta, Sig Saur and Ruger, provided the weapon is chambered for .380, .357 Sig, 9mm, .40 or .45 Caliber round.
 - a) All semi-automatic handguns must have a manual safety, firing pin safety, drop safety and must be double action or double/single action and have a de-cocking mechanism that allows for de-cocking without manually lowering the hammer. The firearm must not be capable of being carried in a cocked and locked condition (hammer cocked and safety on).
- C. While on duty, Police Officers will not carry an off duty handgun (back-up weapon) in addition to their service weapon.

X. AMMUNITION

- A. Only ammunition that has been issued or approved by the armorer will be used in primary or off-duty handguns carried or worn by sworn personnel. The ammunition issued for the Glock models 22 and 23, .40 caliber handguns is the Winchester, 180 grain, SXT Ranger, jacketed hollow point round or approved ballistic equivalent. (*No more .380's*)
- B. The shotgun ammunition that is carried and utilized by Officers will be the .12 gauge, 00 buck or rifled slug ammunition that has been issued by the department.
- C. Ammunition that is new and factory manufactured by Remington, Cor-Bon, Winchester, Smith & Wesson and Federal may be carried and used in off-duty handguns.

XI. HOLSTERS

- A. Only holsters, magazine pouches and gun belts that have been issued or approved by the Department may be used by on-duty Police Officers in conjunction with the issued primary handgun.
- B. The armorer must approve holsters used by Officers for off-duty handguns.
- C. The armorer may approve holsters that have the following characteristics:
 - 1. The holster will be quality made and securely held to the body when worn.
 - 2. The holster must have a covered trigger guard and provide concealment for the weapon when worn.
 - 3. Generally, the holster should have a thumb strap unless the holster is of a design that has a retention device that securely holds the weapon in place.
- D. Police Officers will wear and utilize the holster they use to carry and conceal the off-duty handgun when they qualify with the handgun at the range.
- E. Police Officers may wear and utilize the “fanny pack” or “gun sack” to carry the off-duty weapon provided the handgun is secured and concealed in a holster within the device, and there is a thumb strap securing the handgun in the holster.
- F. If a firearm is carried in a purse, the purse must be specifically designed to hold a handgun utilizing a dedicated pouch; or if a standard purse is being used, the firearm must be secured in a properly fitting holster to prevent loss or accidental discharge.

- G. In the event the range master inspects a holster and disapproves of its use for the off-duty weapon, the Officer will not use the holster for the qualification assessment and will not use the holster to carry an off-duty handgun. Should inspection reveal that an issued holster is defective, damaged or otherwise unfit for service, the range master will immediately remove the holster from service and a replacement holster will be issued to the Officer.

XII. SHOTGUNS

- A. Only shotguns that have been issued or approved by DGS-MCP will be used while on duty.
- B. When authorized to carry a departmental shotgun on duty, the Officer will only employ ammunition that has been issued by the Department.
- C. If a shotgun is carried in a patrol vehicle, the following safety precautions will be followed:
 - 1. Shotguns may be carried in a patrol vehicle with a fully loaded magazine, but no ammunition will be carried in the chamber (Car Safe Condition)
 - 2. Weapons will be encased or fastened on a Department installed rack or secured in the trunk of the vehicle.
 - 3. Shotguns will not be laid on the seat or floorboard of any state owned or leased vehicle.

XIII. SIMUNITION WEAPONS

- A. Simunition is a reduced energy training system designed to deploy a non-toxic, detergent base, water soluble, inert colored projectile onto paper, cardboard and live targets in urban or suburban environments, indoors, or out. Simunition is a realistic training option for law enforcement agencies, providing basic firearms familiarization and skill development, and static or reactive target practice without the need of a range or ballistic facility.
- B. Only MCP Department sanctioned Simunition weapons will be authorized.
- C. Only factory-made Simunition ammunition will be utilized in Simunition weapons.
- D. During training scenarios all Officers will wear appropriate safety equipment as follows:
 - 1. Full face and wrap around eye protection.
 - 2. Throat protector.
 - 3. Groin protection.
- E. A certified Simunition or certified force-on-force instructor must be present during any training where Simunition weapons will be utilized to ensure safe firearm practices and proper deployment practices.

- F. All forms of live weapons, all live ammunition and all auxiliary weapons are prohibited in areas where Simunition training is being conducted.

XIV. OTHER JURISDICTIONS

- A. When Police Officers travel out-of-state, they shall adhere to the applicable laws of that jurisdiction concerning the wearing, carrying, transportation and utilization of firearms. Officers need to be aware that the Law Enforcement Officer's Safety Act of 2004 does not apply or supersede in some situations, such as:
 - 1. Federal laws or regulations governing the carrying of firearms onto aircraft, federal buildings, federal property and national parks.
 - 2. State laws that prohibit the carriage of firearms onto State and/or Local property, or other areas.
 - 3. State laws that allow private entities to prohibit firearms on their private property.
- B. When Officers are required to carry a handgun on a commercial aircraft, they will follow the procedures consistent with FAA guidelines. Officers will also comply with applicable airline regulations regarding weapons on aircraft. Airline regulations can and will vary from carrier to carrier, Officers will contact the carrier to make sure they are in compliance with that carrier's policies and regulations.

XV. PROTECTIVE ORDERS ISSUED AGAINST POLICE OFFICERS

- A. Certain provisions of the Violent Crime Control and Law Enforcement Act of 1994 prohibits the sale, possession, receipt and transportation of firearms and ammunition by persons who are the subject of restraining orders relating to the prevention of domestic violence. In Maryland, such restraining orders may take the form of protective orders issued by the District Court or Circuit court. The law makes certain exemptions for law enforcement Officers, depending on their employment status and other conditions.
- B. In order to ensure the Officer nor the Department is in violation, any Police Officer who is the subject of a domestic violence related protective order is required to notify his detachment commander immediately upon the issuance or as soon as the Officer becomes aware of the issuance of such an order. The detachment commander will then notify the Chief of Police or his designee.
- C. The Chief of Police will review the circumstances of the case and then determine whether the Officer may continue to possess and use firearms while under the jurisdiction of the protective order.

XVI. RETIRED OFFICERS

- A. Retired DGS-MCP Police Officers seeking to qualify with an off duty weapon in order to meet the Law Enforcement Officers Safety Act of 2004 (LEOSA) specifications may do so at pre-determined range dates. Additional dates or special arrangements will not be made to accommodate LEOSA requirements for retired Officer without approval from the Chief of Police.
- B. Retired DGS-MCP Police Officers residing in the State of Maryland must re-qualify with this agency or contact the Maryland Police and Correctional Training Commission (MPCTC) to make arrangements to complete their firearms and training qualification program.
- C. Retired DGS-MCP Police Officers residing outside of Maryland may re-qualify with this agency or another law enforcement agency within the State the retiree resides, or some other provider or organization meeting the criteria set forth in the Law Enforcement Officers Safety Act of 2004 (LEOSA).